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HOUSE BILL 856

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO METROPOLITAN REDEVELOPMENT; AMENDING AND REPEALING
SECTIONS OF THE METROPOLITAN REDEVELOPMENT CODE; CLARIFYING
"SLUM AND BLIGHTED AREA"; AUGMENTING NOTICE; LIMITING THE
EXERCISE OF THE POWER OF EMINENT DOMAIN; REPEALING THE URBAN
DEVELOPMENT LAW AND THE COMMUNITY DEVELOPMENT LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-60A-1 NMSA 1978 (being Laws 1979,
Chapter 391, Section 1) is amended to read:

"3-60A-1. SHORT TITLE.--~~[This act]~~ Chapter 3, Article 60A
NMSA 1978 may be cited as the "Metropolitan Redevelopment
Code"."

Section 2. Section 3-60A-4 NMSA 1978 (being Laws 1979,
Chapter 391, Section 4, as amended) is amended to read:

"3-60A-4. DEFINITIONS.--As used in the Metropolitan
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1 Redevelopment Code:

2 A. "public body" means a municipality, board,
3 commission, authority, district or ~~[any]~~ other political
4 subdivision or public body of the state;

5 B. "local governing body" means the city council,
6 ~~[or] city commission [of a city, the]~~ or board of trustees of a
7 ~~[town or village]~~ municipality; the council of an incorporated
8 county; or the board of county commissioners of an H class
9 county;

10 C. "mayor" means the mayor or the ~~[chairman]~~ chair
11 of the ~~[city commission]~~ local governing body or other officer
12 or body having the duties customarily imposed on the head of a
13 municipality;

14 D. "municipality" means ~~[any]~~ an incorporated city,
15 town or village, whether incorporated under general act,
16 special act or special charter, an incorporated county or an H
17 class county;

18 E. "clerk" means the clerk or other official of
19 ~~[the]~~ a municipality who is the chief custodian of the official
20 records of the municipality;

21 F. "federal government" includes the United States
22 of America or ~~[any]~~ an agency or instrumentality, corporate or
23 otherwise, of the United States;

24 G. "state" means the state of New Mexico;

25 H. "slum ~~[area]~~" ~~means an area within the area of~~

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1 ~~operation in which numerous buildings, improvements and~~
2 ~~structures whether residential or nonresidential, which, by~~
3 ~~reason of its dilapidation, deterioration, age, obsolescence or~~
4 ~~inadequate provision for ventilation, light, air, sanitation or~~
5 ~~open spaces, high density of population, overcrowding or the~~
6 ~~existence of conditions that endanger life or property by fire~~
7 ~~or other causes, is conducive to ill health, transmission of~~
8 ~~disease, infant mortality, juvenile delinquency or crime and is~~
9 ~~detrimental to the public health, safety, morals or welfare;~~

10 I. ~~"blighted area" means an area within the area of~~
11 ~~operation other than a slum area that because of the presence~~
12 ~~of a substantial number of deteriorated or deteriorating~~
13 ~~structures, predominance of defective or inadequate street~~
14 ~~layout, faulty lot layout in relation to size, adequacy,~~
15 ~~accessibility or usefulness, insanitary or unsafe conditions,~~
16 ~~deterioration of site or other improvements, diversity of~~
17 ~~ownership, tax or special assessment delinquency exceeding the~~
18 ~~fair value of the land, defective or unusual conditions of~~
19 ~~title, improper subdivision or lack of adequate housing~~
20 ~~facilities in the area or obsolete or impractical planning and~~
21 ~~platting or an area where a significant number of commercial or~~
22 ~~mercantile businesses have closed or significantly reduced~~
23 ~~their operations due to the economic losses or loss of profit~~
24 ~~due to operating in the area, low levels of commercial or~~
25 ~~industrial activity or redevelopment or any combination of such~~

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1 ~~factors substantially impairs or arrests the sound growth and~~
2 ~~economic health and well-being of a municipality or locale~~
3 ~~within a municipality or an area that retards the provisions of~~
4 ~~housing accommodations or constitutes an economic or social~~
5 ~~burden and is a menace to the public health, safety, morals or~~
6 ~~welfare in its present condition and use] and blighted area"~~
7 means an area within the area of operation that is conducive to
8 ill health, transmission of disease, infant mortality, juvenile
9 delinquency or crime that substantially impairs or arrests the
10 sound growth and economic health and well-being of a
11 municipality and as currently used in its present condition is
12 a menace to the public health, safety, morals and welfare
13 because of:

14 (1) a substantial number of residential or
15 nonresidential buildings, improvements and structures that are
16 dilapidated, deteriorated, aged or obsolete or that have
17 inadequate provisions for ventilation, light, air or
18 sanitation;

19 (2) a predominance of defective or inadequate
20 street layout;

21 (3) faulty lot layout in relation to size,
22 adequacy, accessibility or usefulness;

23 (4) obsolete, impractical or improper
24 subdivision;

25 (5) insanitary or unsafe conditions;

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- 1 (6) deterioration of site or other
- 2 improvements;
- 3 (7) overcrowding; or
- 4 (8) conditions that endanger life or property
- 5 by fire or other causes;

6 [~~J.~~] I. "metropolitan redevelopment project" or
7 "project" means an activity, undertaking or series of
8 activities or undertakings designed to eliminate [~~slums or~~]
9 slum and blighted areas in areas designated as metropolitan
10 redevelopment areas and [~~that~~] the activity or undertaking
11 conforms to an approved plan for the area for slum and blighted
12 area clearance and redevelopment and rehabilitation; [~~and~~
13 conservation

14 [~~K.~~] J. "slum and blighted area clearance and
15 redevelopment" means the use of those powers authorized by the
16 Metropolitan Redevelopment Code [~~for the purpose of~~
17 eliminating] to eliminate slum and blighted areas and
18 [~~undertaking~~] undertake activities authorized by the
19 Metropolitan Redevelopment Code to rejuvenate or revitalize
20 those areas so that the conditions that caused those areas to
21 be designated slum and blighted areas are eliminated;

22 [~~L.~~] K. "rehabilitation" [~~or "conservation"~~] means
23 the restoration and renewal of a slum [~~or~~] and blighted area or
24 portion thereof in accordance with [~~any~~] an approved plan by
25 use of powers granted by the Metropolitan Redevelopment Code;

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1 ~~[M.]~~ L. "metropolitan redevelopment area" means a
2 slum ~~[area or a]~~ and blighted area ~~[or a combination thereof]~~
3 that the local governing body so finds and declares and
4 designates as appropriate for a metropolitan redevelopment
5 project;

6 ~~[N.]~~ M. "metropolitan redevelopment plan" means a
7 plan, as it exists from time to time, for one or more
8 metropolitan redevelopment areas or for a metropolitan
9 redevelopment project, which plan shall:

10 (1) seek to eliminate the problems created by
11 a slum ~~[area or]~~ and blighted area;

12 (2) conform to the general plan for the
13 municipality as a whole; and

14 (3) be sufficient to indicate the proposed
15 activities to be carried out in the area, including ~~[but not~~
16 ~~limited to]~~ any proposals for land acquisition; proposals for
17 demolition and removal of structures; redevelopment; proposals
18 for improvements and rehabilitation ~~[and conservation]~~; zoning
19 and planning changes; land uses, maximum densities, building
20 restrictions and requirements; and the plan's relationship to
21 definite local objectives respecting land uses, improved
22 traffic patterns and controls, public transportation, public
23 utilities, recreational and community facilities, housing
24 facilities, commercial activities or enterprises, industrial or
25 manufacturing use and other public improvements;

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1 ~~[Θ-]~~ N. "real property" includes all lands,
2 including improvements and fixtures thereon, and property of
3 any nature appurtenant thereto or used in connection therewith
4 and every estate, interest, right and use, legal or equitable,
5 therein, including terms for years and liens by way of
6 judgment, mortgage or otherwise;

7 ~~[P-]~~ O. "bonds" means any bonds, including
8 refunding bonds, notes, interim certificates, certification of
9 indebtedness, debentures, metropolitan redevelopment bonds or
10 other securities evidencing an obligation and issued under the
11 provisions of the Metropolitan Redevelopment Code or other
12 obligations;

13 ~~[Q-]~~ P. "obligee" includes ~~[any]~~ a bondholder,
14 agent or trustee for ~~[any]~~ a bondholder or lessor demising to
15 the municipality property used in connection with a
16 metropolitan redevelopment project or any assignee or assignees
17 of such lessor's interest or any part thereof;

18 ~~[R-]~~ Q. "person" means ~~[any]~~ an individual, firm,
19 partnership, corporation, company, association, joint stock
20 association or body politic or the state or any political
21 subdivision thereof and shall further include any trustee,
22 receiver, assignee or other person acting in a similar
23 representative capacity;

24 ~~[S-]~~ R. "area of operation" means the area within
25 the corporate limits of the municipality and the area outside

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1 of the corporate limits but within five miles of such limits or
2 otherwise on municipally owned property wherever located,
3 except that it shall not include [~~any~~] an area that lies within
4 the territorial boundaries of another municipality unless an
5 ordinance has been adopted by the governing body of the other
6 municipality declaring a need therefor;

7 [~~F.~~] S. "board" or "commission" means a board,
8 commission, department, division, office, body or other unit of
9 the municipality designated by the local governing body to
10 perform functions authorized by the Metropolitan Redevelopment
11 Code as directed by the local governing body; and

12 [~~U.~~] T. "public officer" means any person who is in
13 charge of any department or branch of government of the
14 municipality."

15 Section 3. Section 3-60A-7 NMSA 1978 (being Laws 1979,
16 Chapter 391, Section 7) is amended to read:

17 "3-60A-7. FINDING OF NECESSITY BY LOCAL GOVERNMENT.--No
18 municipality shall exercise any of the powers conferred upon
19 municipalities by the Redevelopment Law until after its local
20 governing body [~~shall have~~] has adopted a resolution finding
21 that:

22 A. one or more slum [~~areas or~~] and blighted areas
23 exist in the municipality; and

24 B. the rehabilitation, [~~conservation~~] slum and
25 blighted area clearance and redevelopment or development, or a

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1 combination thereof, [~~of and in such area or~~] in those areas is
2 necessary in the interest of the public health, safety, morals
3 or welfare of the residents of the municipality."

4 Section 4. Section 3-60A-8 NMSA 1978 (being Laws 1979,
5 Chapter 391, Section 8) is amended to read:

6 "3-60A-8. DESIGNATION OF A METROPOLITAN REDEVELOPMENT
7 AREA.--

8 A. A municipality shall not prepare a metropolitan
9 redevelopment plan for an area unless the local governing body
10 has, by resolution, determined the area to be a slum [~~area or~~
11 ~~a]~~ and blighted area [~~or a combination thereof and designated]~~
12 and indicated an intent to designate the area as appropriate
13 for a metropolitan redevelopment project. [~~which resolution~~
14 ~~may be adopted only after the governing body shall have caused~~
15 ~~to be published in a newspaper of general circulation within~~
16 ~~the area of operation of the municipality a notice which shall~~
17 ~~contain a general description of the area and the date, time~~
18 ~~and place where the governing body shall hold a public hearing~~
19 ~~to consider the resolution and a notice that any interested~~
20 ~~party may appear and speak to the issue of the adoption of the~~
21 ~~resolution.~~

22 B. ~~Such notice shall be published at least twice,~~
23 ~~and the last publication shall be not less than twenty days~~
24 ~~before the hearing. The owner of any real property affected by~~
25 ~~the resolution shall have the right to file in the district~~

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1 ~~court of the county within which the municipality is located,~~
2 ~~within twenty days after the adoption of the resolution, an~~
3 ~~action to set aside the determination made by the governing~~
4 ~~body of the municipality.~~

5 G. ~~A municipality shall not acquire real property~~
6 ~~for a metropolitan redevelopment project unless the local~~
7 ~~governing body has approved a metropolitan redevelopment plan~~
8 ~~relating to the metropolitan redevelopment area in which the~~
9 ~~real property is located.] Upon adoption of a resolution~~

10 indicating an intent to form a metropolitan redevelopment area,

11 a local governing body shall set a date no sooner than thirty

12 days and no later than sixty days after the adoption of the

13 resolution for a public hearing regarding formation of the

14 area.

15 B. The clerk of the local governing body shall

16 provide notice of the resolution and hearing described in

17 Subsection A of this section by:

18 (1) publishing a summary of the resolution and

19 information about the hearing once each week for two

20 consecutive weeks in a newspaper of general circulation in the

21 municipality or county in which the proposed area is located

22 with the last publication date no less than seven days prior to

23 the hearing. The clerk shall obtain an affidavit of

24 publication from the newspaper for each publication date that

25 shall be placed in the official records of the local governing

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1 body and shall be conclusive evidence of the publication of
2 notice;

3 (2) posting a summary of the resolution and
4 information about the hearing in a prominent and conspicuous
5 location on property located within the proposed metropolitan
6 redevelopment area for fourteen days prior to the hearing; and

7 (3) providing a written summary of the
8 resolution and information about the hearing by United States
9 postal service certified or registered mail, postage prepaid,
10 to all owners of real property within the proposed metropolitan
11 redevelopment area and to all other persons claiming an
12 interest in property within the proposed area who have filed a
13 written request for a copy of this kind of notice within the
14 six months preceding the adoption of the resolution no later
15 than ten days prior to the hearing. The notice described in
16 this paragraph shall also be promptly mailed to a person
17 requesting it at any time after adoption of the resolution. A
18 clerk who is informed of a transfer of ownership of real
19 property within a proposed metropolitan redevelopment area and
20 who obtains the name and address of the transferee shall mail a
21 copy of the resolution summary and information about the
22 hearing to the transferee as soon as practicable after
23 receiving the transferee's name and address. Notice shall not
24 be held invalid for failure of delivery to an addressee.

25 C. The notice required by this section shall

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1 include:

2 (1) the date, time and place of the hearing;

3 (2) information regarding alternative methods

4 for submission of objections or comments;

5 (3) a statement that the formation of a
6 metropolitan redevelopment area is proposed; and

7 (4) a map showing the boundaries of the
8 proposed metropolitan redevelopment area."

9 Section 5. Section 3-60A-9 NMSA 1978 (being Laws 1979,
10 Chapter 391, Section 9) is amended to read:

11 "3-60A-9. PREPARATION OF A METROPOLITAN REDEVELOPMENT
12 PLAN.--

13 A. When a municipality has complied with the
14 provisions of the Redevelopment Law concerning public hearing
15 and designation of an area as a metropolitan redevelopment
16 area, it may prepare or cause to be prepared a metropolitan
17 redevelopment plan; however, prior to final consideration of
18 the plan by the local governing body, the plan shall be the
19 subject of at least one public hearing held by the mayor or
20 [his] the mayor's designee or the municipal planning
21 commission, at which time comments from the public as a whole
22 can be gathered and considered by the municipality in its
23 preparation of the final plan. The local governing body may
24 hold a public hearing for purposes of approval of the proposed
25 plan, as provided in Subsection B of this section, only after

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1 the hearing required by this subsection.

2 ~~[B. The local governing body shall hold a public~~
3 ~~hearing on a metropolitan redevelopment plan or substantial~~
4 ~~modification of an approved plan after public notice thereof by~~
5 ~~publication in a newspaper having a general circulation in the~~
6 ~~area of operation of the municipality. The notice shall~~
7 ~~describe the time, date, place and purpose of the hearing,~~
8 ~~shall generally identify the area covered by the plan and shall~~
9 ~~outline the general scope of the metropolitan redevelopment~~
10 ~~project under consideration. Prior to the public hearing on~~
11 ~~this matter, notice of the public hearing shall be mailed by~~
12 ~~first class mail to the owners of real property in the~~
13 ~~metropolitan redevelopment area. The mailing shall be to the~~
14 ~~owner's address as shown on the records of the county~~
15 ~~treasurer. If the notice by first class mail to the owner is~~
16 ~~returned undelivered, the municipality shall attempt to~~
17 ~~discover the owner's most recent address and shall remail the~~
18 ~~notice by certified mail, return receipt requested, to the~~
19 ~~address.]~~

20 B. The clerk of the local governing body shall
21 provide notice of the metropolitan redevelopment plan and
22 hearing described in Subsection A of this section by:

23 (1) publishing a summary of the plan and
24 information about the hearing once each week for two
25 consecutive weeks in a newspaper of general circulation in the

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1 municipality or county affected by the plan with the last
2 publication date no less than seven days prior to the hearing.
3 The clerk shall obtain an affidavit of publication from the
4 newspaper for each publication date that shall be placed in the
5 official records of the local governing body and shall be
6 conclusive evidence of the publication of notice;

7 (2) posting a summary of the plan and
8 information about the hearing in a prominent and conspicuous
9 location on property located within the area affected by the
10 plan for fourteen days prior to the hearing; and

11 (3) providing a written summary of the plan
12 and information about the hearing by United States postal
13 service certified or registered mail, postage prepaid, to all
14 owners of real property within the metropolitan redevelopment
15 area affected by the plan and to all other persons claiming an
16 interest in property within the area who have filed a written
17 request for a copy of this kind of notice within the six months
18 preceding the formation of the metropolitan redevelopment area,
19 no later than ten days prior to the hearing. The notice
20 described in this paragraph shall also be promptly mailed to a
21 person requesting it at any time after adoption of the
22 resolution. A clerk who is informed of a transfer of ownership
23 of real property within a metropolitan redevelopment area and
24 who obtains the name and address of the transferee shall mail a
25 copy of the plan summary and information about the hearing to

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1 the transferee as soon as practicable after receiving the
2 transferee's name and address. Notice shall not be held
3 invalid for failure of delivery to an addressee.

4 C. The notice required by this section shall
5 include:

6 (1) the date, time and place of the hearing;

7 (2) information regarding alternative methods
8 for submission of objections or comments;

9 (3) a statement that a metropolitan
10 redevelopment plan is on file with the clerk of the local
11 governing body and may be reviewed upon request; and

12 (4) a map showing the boundaries of the
13 metropolitan redevelopment area.

14 ~~[E-]~~ D. Following the public hearing, the local
15 governing body may approve a metropolitan redevelopment plan if
16 it finds that:

17 (1) the proposed activities will aid in the
18 elimination or prevention of ~~[slum or blight]~~ a slum and
19 blighted area or the conditions ~~[which]~~ that lead to the
20 development of ~~[slum or blight]~~ a slum and blighted area;

21 (2) a feasible method is included in the plan
22 to provide individuals and families who occupy residential
23 dwellings in the metropolitan redevelopment area and who may be
24 displaced by the proposed activities with decent, safe and
25 sanitary dwelling accommodations within their means and without

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1 undue hardship to such individuals and families;

2 (3) the plan conforms to the general plan for
3 the municipality as a whole; and

4 (4) the plan affords [~~maximum~~] an opportunity
5 consistent with the needs of the community for the
6 rehabilitation or redevelopment of the area by private
7 enterprise or persons and the objectives of the plan justify
8 the proposed activities as public purposes and needs.

9 E. A municipality shall not acquire real property
10 for a metropolitan redevelopment project unless the local
11 governing body has approved a metropolitan redevelopment plan
12 relating to the metropolitan redevelopment area in which the
13 real property is located.

14 [~~D.~~] F. A metropolitan redevelopment plan may be
15 modified at any time; however, if the plan is modified after
16 the lease or sale by the municipality of real property in the
17 project area, the modification shall be subject to any rights
18 at law or in equity a lessee or purchaser or [~~his~~] the lessee's
19 or purchaser's successors in interest may be entitled to
20 assert. Any proposed modification [~~which~~] that will
21 substantially change the plan as previously approved by the
22 local governing body shall be subject to the requirements of
23 this section, including the requirement of a public hearing,
24 before it may be approved."

25 Section 6. Section 3-60A-10 NMSA 1978 (being Laws 1979,

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1 Chapter 391, Section 10) is amended to read:

2 "3-60A-10. POWERS OF MUNICIPALITY.--Every municipality
3 shall have all the powers necessary or convenient to carry out
4 and effectuate the purposes and provisions of the Metropolitan
5 Redevelopment Code, including but not necessarily limited to
6 the following powers:

7 A. to undertake and carry out metropolitan
8 redevelopment projects within its area of operation, including
9 clearance and redevelopment, rehabilitation [~~conservation~~] and
10 development activities and programs; to make, enter into and
11 execute contracts and other agreements and instruments
12 necessary or convenient to the exercise of its powers under the
13 Redevelopment Law; and to disseminate information regarding
14 [~~slum clearance, prevention of blight~~] the clearance or
15 prevention of slum and blighted areas and the metropolitan
16 redevelopment projects and areas;

17 B. to provide, arrange or contract for the furnishing
18 or repair by any public or private person or agency for
19 services, privileges, works, streets, roads, public utilities,
20 public buildings or other facilities for or in connection with
21 a metropolitan redevelopment project; to, within its area of
22 operation, install, acquire, construct, reconstruct, remodel,
23 rehabilitate, maintain and operate streets, utilities, parks,
24 buildings, playgrounds and public buildings, including but not
25 limited to parking facilities, transportation centers, public

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1 safety buildings and other public improvements or facilities or
2 improvements for public purposes, as may be required by the
3 municipality, the state or a political subdivision of the
4 state; to agree to any conditions that it may deem reasonable
5 and appropriate [~~which~~] that are attached to federal financial
6 assistance and imposed pursuant to federal law, including
7 conditions relating to the determination of prevailing salaries
8 or wages or compliance with federal and state labor standards,
9 compliance with federal property acquisition policy and the
10 provision of relocation assistance in accordance with federal
11 law in the undertaking or carrying out of a metropolitan
12 redevelopment project; and to include in any contract let in
13 connection with the project provisions to fulfill any of these
14 conditions as it may deem reasonable and appropriate.

15 Provided, however, that all purchases of personal property
16 shall be in accordance with the [~~Public Purchases Act~~]
17 Procurement Code;

18 C. within its area of operation, to inspect any
19 building or property in any metropolitan redevelopment area in
20 order to make surveys, appraisals, soundings or test borings
21 and to obtain an order for this purpose from a court of
22 competent jurisdiction in the event inspection is denied by the
23 property owner or occupant to acquire, by purchase, lease,
24 option, gift, grant, bequest, devise, eminent domain or
25 otherwise, any real property or personal property for its

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1 administrative or project purposes, together with any
2 improvements thereon; to hold, improve, clear or prepare for
3 redevelopment any such property; to mortgage, pledge,
4 hypothecate or otherwise encumber or dispose of any real
5 property; to insure or provide for the insurance of any real or
6 personal property or operations of the municipality against any
7 risks or hazards, including the power to pay premiums on any
8 such insurance; and to enter into any contracts necessary to
9 effectuate the purposes of the Metropolitan Redevelopment Code;

10 D. to invest any metropolitan redevelopment project
11 funds held in reserve, sinking funds or other project funds
12 [~~which~~] that are not required for immediate disbursement in
13 property or securities in which municipalities may legally
14 invest funds subject to their control; to redeem bonds as have
15 been issued pursuant to the Metropolitan Redevelopment Code at
16 the redemption price established [~~therein~~] in the bonds or to
17 purchase the bonds at less than redemption price. All bonds so
18 redeemed or purchased shall be canceled;

19 E. to borrow or lend money subject to those
20 procedures and limitations as may be provided in the
21 constitution of New Mexico or the Municipal Code and to apply
22 for and accept advances, loans, grants, contributions and any
23 other form of financial assistance from the federal government,
24 the state, the county or other public body or from any sources,
25 public or private, for the purposes of the Metropolitan

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1 Redevelopment Code; and to give security as may be required and
2 subject to the provisions and limitations of general law except
3 as may otherwise be provided by the Redevelopment Law and to
4 enter into and carry out contracts in connection therewith. A
5 municipality may include in any contract for financial
6 assistance with the federal government for a metropolitan
7 redevelopment project conditions imposed pursuant to federal
8 law ~~[which]~~ that the municipality may deem reasonable or
9 appropriate and ~~[which]~~ that are not inconsistent with the
10 purposes of the Metropolitan Redevelopment Code;

11 F. within its area of operation, to make all plans
12 necessary for the carrying out of the purposes of the
13 Metropolitan Redevelopment Code and to contract with any
14 person, public or private, in making and carrying out such
15 plans and to adopt or approve, modify and amend the plans. The
16 plans may include without limitation:

- 17 (1) a general plan for redevelopment of the
18 metropolitan area as a whole;
- 19 (2) redevelopment plans for specific areas;
- 20 (3) plans for programs of voluntary or assisted
21 repair and rehabilitation of buildings and improvements;
- 22 (4) plans for the enforcement of state and local
23 laws, codes and regulations relating to the use of land and the
24 use and occupancy of buildings and improvements and to the
25 compulsory repair, rehabilitation, demolition or removal of

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1 buildings and improvements; and

2 (5) appraisals, title searches, surveys, studies
3 and other preliminary plans and work necessary to prepare for
4 the undertaking of metropolitan redevelopment projects.

5 The municipality is authorized to develop, test and report
6 methods and techniques and carry out demonstrations and other
7 activities for the prevention and elimination of [~~slums and~~
8 ~~urban blight~~] slum and blighted areas and to pay for, accept
9 and utilize grants of funds from the federal government for
10 such purposes;

11 G. to prepare plans for the relocation of families
12 displaced from a metropolitan redevelopment area to the extent
13 essential for acquiring possession of and clearing the area or
14 its parts or permit the carrying out of the metropolitan
15 redevelopment project;

16 H. to appropriate under existing authority the funds
17 and make expenditures necessary to carry out the purposes of
18 the Metropolitan Redevelopment Code and under existing
19 authority to levy taxes and assessments for such purposes; to
20 close, vacate, plan or replan streets, roads, sidewalks, ways
21 or other places; in accordance with applicable law or
22 ordinances, to plan or replan, zone or rezone any part of the
23 municipality or make exceptions from building regulations; and
24 to enter into agreements with a metropolitan redevelopment
25 agency vested with metropolitan redevelopment project powers,

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1 which agreements may extend over any period, notwithstanding
2 any provision or rule of law to the contrary, respecting action
3 to be taken by such municipality pursuant to any of the powers
4 granted by the Redevelopment Law;

5 I. within its area of operation, to organize,
6 coordinate and direct the administration of the provisions of
7 the Redevelopment Law as they apply to the municipality in
8 order that the objective of remedying slum ~~[areas]~~ and blighted
9 areas and preventing the causes of ~~[same]~~ those areas within
10 the municipality may be most effectively promoted and achieved
11 and to establish any new office ~~[or offices]~~ of the
12 municipality or to reorganize existing offices as necessary;

13 J. to acquire real property, in addition to power
14 elsewhere conferred herein, ~~[which]~~ that is appropriate for the
15 preservation or restoration of historic sites; the
16 beautification of urban land; the ~~[conservation]~~ preservation
17 of open spaces, natural resources and scenic areas; the
18 provision of recreational opportunities; or is to be used for
19 public purposes;

20 K. to engage in any or all of the following
21 activities as part of a metropolitan redevelopment project:

22 (1) acquisition, construction, reconstruction or
23 installation of public works, facilities and site or other
24 improvements, including but not limited to neighborhood
25 facilities, senior citizen centers, historic properties,

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1 utilities, streets, street lights, water and sewer facilities,
2 including connections for residential users, foundations and
3 platforms for air-rights sites, pedestrian malls and walkways,
4 parks, playgrounds and other recreation facilities, flood and
5 drainage facilities, parking facilities, solid waste disposal
6 facilities and fire protection or health facilities which serve
7 designated areas;

8 (2) special projects directed to the removal of
9 materials and architectural barriers [~~which~~] that restrict the
10 mobility and accessibility of elderly and handicapped persons;

11 (3) provision of public services in the
12 metropolitan redevelopment area [~~which~~] that are not otherwise
13 available in the area, including but not limited to the
14 provisions of public services directed to the employment,
15 economic development, crime prevention, child care, health,
16 drug abuse, welfare or recreation needs of the people who
17 reside in the metropolitan redevelopment area;

18 (4) payment of the nonfederal share of any
19 federal grant-in-aid program to the municipality [~~which~~] that
20 will be a part of a metropolitan redevelopment project;

21 (5) if federal funds are used in the project, to
22 provide for payment of relocation costs and assistance to
23 individuals, families, businesses, organizations and farm
24 operations displaced as a direct result of a metropolitan
25 redevelopment project in accordance with applicable law

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1 governing such payment;

2 (6) payment of reasonable administrative costs
3 and carrying charges related to the planning and execution of
4 plans and projects;

5 (7) economic and marketing studies to determine
6 the economic condition of an area and to determine the
7 viability of certain economic ventures proposed for the
8 metropolitan redevelopment area;

9 (8) issuance of bonds, grants or loans as
10 authorized by the Metropolitan Redevelopment Code in accordance
11 with the requirements of that code; and

12 (9) grants to nonprofit corporations, local
13 development corporations or entities organized under Section
14 301 (d) of the federal Small Business Investment Act of 1958
15 for the purposes of carrying out the provisions of the
16 Metropolitan Redevelopment Code;

17 L. provided that all payments made by the
18 municipality or metropolitan redevelopment agency under the
19 terms of a contract for reconstruction or rehabilitation of
20 private property shall be made from a special fund created for
21 that purpose and shall not be paid directly to [~~such~~] the
22 property owner but shall instead be paid to the contractor by
23 the municipality or agency from such fund upon proper
24 authorization of the property owner and notification that the
25 terms of the contract have been fulfilled. However, all such

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1 rehabilitation contracts shall be between the property owner
2 and the contractor after a sealed bidding procedure and award
3 of contract approved by the municipality has taken place;

4 M. the municipality is empowered in a metropolitan
5 redevelopment project, rehabilitation [~~or conservation~~]
6 undertaking or activity to exercise the following powers in one
7 or more metropolitan redevelopment areas to include the
8 elimination and prevention of the development or spread of
9 [~~slums or blight~~] slum and blighted areas and may involve slum
10 and blighted area clearance and redevelopment in any such area
11 or rehabilitation [~~or conservation~~] in any such area or any
12 combination or part thereof in accordance with a metropolitan
13 redevelopment area plan and for undertakings or activities of a
14 municipality in any metropolitan redevelopment area to
15 eliminate the conditions [~~which~~] that caused an area to be
16 designated such an area and may include any or all of the
17 following:

18 (1) acquisition of real property within the
19 metropolitan redevelopment area pursuant to any powers and for
20 purposes enumerated in the Metropolitan Redevelopment Code;

21 (2) clearing the land, grading the land and
22 replatting the land in accordance with the metropolitan
23 redevelopment plan; installation, construction or
24 reconstruction of roads, streets, gutters, sidewalks, storm
25 drainage facilities, water lines or water supply installations,

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1 sewer lines and sewage disposal installations, steam, gas and
2 electric lines and installations, airport facilities and
3 construction of any other needed public facilities or buildings
4 whether on or off the site if deemed necessary by the local
5 governing body to prepare the land in the metropolitan
6 redevelopment area for residential, commercial, industrial and
7 public use in accordance with the metropolitan redevelopment
8 plan; and

9 (3) making the land available for development by
10 private enterprise or public agencies, including sale, initial
11 leasing, leasing or retention by the municipality itself, at
12 its fair market value for uses in accordance with the
13 metropolitan redevelopment plan for the area;

14 N. the municipality is empowered in a metropolitan
15 redevelopment area to undertake slum and blighted area
16 clearance and redevelopment ~~[which]~~ that includes:

17 (1) acquisition of a slum ~~[area or a]~~ and
18 blighted area or portion thereof;

19 (2) demolition and removal of buildings and
20 improvements;

21 (3) installation, construction, reconstruction,
22 maintenance and operation of streets, utilities, storm drainage
23 facilities, curbs and gutters, parks, playgrounds, single- or
24 multi-family dwelling units, buildings, public buildings,
25 including but not limited to parking facilities, transportation

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1 centers, safety buildings and other improvements, necessary for
2 carrying out in the area the provisions of an approved plan for
3 the area; and

4 (4) making the real property available for
5 development or redevelopment by private enterprise or public
6 agencies, including sale, leasing or retention by the
7 municipality itself, [~~as~~] at its fair value for uses in
8 accordance with the metropolitan redevelopment area plan; and

9 0. the municipality is empowered to engage in
10 rehabilitation [~~or conservation which~~] that includes the
11 restoration and renewal of a slum [~~or~~] and blighted area or
12 portion thereof in accordance with any approved plan, by:

13 (1) carrying out plans for a program of
14 voluntary or compulsory repair and rehabilitation of buildings
15 or other improvements;

16 (2) acquisition of real property and demolition
17 or removal of buildings and improvements thereon where
18 necessary to eliminate unhealthful, [~~unsanitary~~] insanitary or
19 unsafe conditions, lessen or increase density, eliminate
20 obsolete or other uses detrimental to the public welfare or to
21 otherwise remove or prevent the spread of [~~blight~~] slum and
22 blighted areas or deterioration or to provide land for needed
23 public facilities;

24 (3) installation, construction or reconstruction
25 of streets, utilities, parks, playgrounds and other

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1 improvements necessary for carrying out in the area the
2 provisions of the Metropolitan Redevelopment Code;

3 (4) the disposition of any property acquired in
4 such an area, including sale, leasing or retention by the
5 municipality itself, for uses in accordance with such an
6 approved plan;

7 (5) acquisition of real property in the area
8 [~~which~~] that, under a metropolitan redevelopment plan, is to be
9 repaired or rehabilitated;

10 (6) repair or rehabilitation of structures
11 within the area;

12 (7) power to resell repaired or rehabilitated
13 property;

14 (8) acquisition, without regard to any
15 requirement that the area be a slum [~~or~~] and blighted area, of
16 air-rights in an area consisting principally of land on which
17 is located a highway, railway, bridge or subway tracks or
18 tunnel entrance or other similar facilities [~~which~~] that have a
19 [~~blighting~~] negative influence on the surrounding area and over
20 which air-rights sites are to be developed for the elimination
21 of such [~~blighting~~] negative influences; and

22 (9) making loans or grants or authorizing the
23 use of the proceeds of bonds issued pursuant to the
24 Metropolitan Redevelopment Code for the purpose of repairing,
25 remodeling, modifying or otherwise reconstructing a building

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1 [~~or buildings~~] located in the metropolitan redevelopment area.
2 Such rehabilitation [~~or conservation~~] with use of funds
3 expended by authority of the Metropolitan Redevelopment Code or
4 by metropolitan revenue bonds authorized by that code shall be
5 authorized only after approval by the local governing body and
6 after it has been determined that such expenditure is in
7 accordance with the metropolitan redevelopment plan for that
8 area."

9 Section 7. Section 3-60A-11 NMSA 1978 (being Laws 1979,
10 Chapter 391, Section 11, as amended) is amended to read:

11 "3-60A-11. EMINENT DOMAIN.--

12 A. A municipality shall have the right to acquire by
13 condemnation any interest in real property, including a fee
14 simple title thereto, [~~which~~] that it may deem necessary for or
15 in connection with a metropolitan redevelopment project under
16 the Redevelopment Law. A municipality may exercise the power
17 of eminent domain in the manner provided by the Eminent Domain
18 Code or, when found appropriate by the local governing body,
19 the special alternative procedure for condemnation of property
20 as provided by Sections 42-2-1 through 42-2-24 NMSA 1978.
21 Property already devoted to a public use may be acquired in
22 like manner. However, no real property belonging to the state
23 or any political subdivision thereof may be acquired without
24 its consent unless in a manner authorized by law.

25 B. No public body authorized to condemn real property

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1 pursuant to the Metropolitan Redevelopment Code shall condemn
2 private property for economic development purposes, except for
3 the eradication of a slum and blighted area."

4 Section 8. Section 3-60A-12 NMSA 1978 (being Laws 1979,
5 Chapter 391, Section 12) is amended to read:

6 "3-60A-12. DISPOSAL OF PROPERTY.--

7 A. A municipality may sell, lease or otherwise
8 transfer real property or any interest [~~therein~~] in real
9 property acquired by it in a metropolitan redevelopment area
10 and may enter into contracts with respect [~~thereto~~] to the real
11 property for residential, commercial, industrial or other uses
12 or for public use or may retain such property or interest for
13 public use in accordance with the metropolitan redevelopment
14 plan, subject to any covenants, conditions and restrictions,
15 including covenants running with the land and including the
16 incorporation by reference [~~therein~~] in the covenants of the
17 provisions of a metropolitan redevelopment plan or any part
18 thereof, as it may deem to be in the public interest or
19 necessary to carry out the purposes of the metropolitan
20 redevelopment plan. The purchasers or lessees and their
21 successors and assigns shall be obligated to devote the real
22 property only to the uses specified in the metropolitan
23 redevelopment plan for a period of years as set out in the sale
24 or lease agreement and may be obligated to comply with other
25 requirements [~~which~~] that the municipality may determine to be

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1 in the public interest, including the obligation to begin
2 within a reasonable time any improvements on real property
3 required by the metropolitan redevelopment plan. The real
4 property or interest shall be sold, leased, otherwise
5 transferred or retained at not less than its fair value for
6 uses in accordance with the Redevelopment Law as determined by
7 the governing body of the municipality or by the metropolitan
8 redevelopment agency, if so authorized. In determining the
9 fair value of real property for uses in accordance with the
10 metropolitan redevelopment plan, a municipality shall take into
11 account and give consideration to the uses provided in the
12 plan, the restrictions upon and the covenants, conditions and
13 obligations assumed by the purchaser or lessee or by the
14 municipality retaining the property and the objectives of the
15 plan for the prevention of and recurrence of slum ~~[or]~~ and
16 blighted areas. The municipality in any instrument of
17 conveyance to a private purchaser or lessee may provide that
18 the purchaser or lessee shall be without power to sell, lease
19 or otherwise transfer the real property without the prior
20 written consent of the municipality until ~~[he]~~ the purchaser or
21 lessee has completed the construction of any and all
22 improvements ~~[which he has]~~ that the purchaser or lessee is
23 obligated ~~[himself]~~ to construct ~~[thereon]~~ on the real
24 property. Real property acquired by a municipality ~~[which]~~
25 that, in accordance with the provisions of the metropolitan

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1 redevelopment plan, is to be transferred shall be transferred
2 consistent with the carrying out of the provisions of the plan.
3 The inclusion in any contract or conveyance to a purchaser or
4 lessee of covenants, restrictions or conditions, including the
5 incorporation by reference [~~therein~~] in the covenants of the
6 provisions of a metropolitan redevelopment plan or any part
7 thereof, shall not prevent the filing of the contract or
8 conveyance in the land records of the county in a manner as to
9 afford actual or constructive notice thereof.

10 B. A municipality may dispose of real property in a
11 metropolitan redevelopment area to private persons only in
12 accordance with the procedures set out in this subsection. The
13 municipality shall, prior to entering into any agreement to
14 convey title or an interest in real property, publish a public
15 notice once each week for at least two consecutive weeks of the
16 date, time and place it will receive proposals for the
17 purchase, lease or rental, for development or redevelopment
18 purposes, of the real property or interest [~~therein~~] in the
19 real property it intends to dispose of. The public notice
20 shall contain sufficient information to describe the location
21 of the real property, the type of development sought or land
22 use requirement and the selection criteria the municipality
23 will follow during review of proposals and shall state that
24 details may be obtained at the office designated in the notice.
25 The municipality shall consider all proposals submitted in

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1 accordance with the public notice and shall only accept
2 proposals it deems in the public interest and meeting the
3 objectives of the metropolitan redevelopment plan after
4 considering the type of development, redevelopment or use
5 proposed and the financial ability of the persons making [~~such~~]
6 the proposals to carry them out.

7 C. If after following the procedures set out in
8 Subsection B of this section a municipality receives no
9 proposals or determines the ones received are not in accordance
10 with the call for proposals or do not meet the objectives of
11 the Metropolitan Redevelopment Code, the municipality may
12 reject any proposals received and then dispose of [~~such~~] the
13 real property through reasonable negotiating procedures;
14 provided, however, that negotiated sales, leases or transfers
15 must be reported to the local governing body and approved by
16 that body before [~~such~~] the sale, lease or transfer may take
17 effect.

18 D. A municipality may operate and maintain real
19 property acquired in a metropolitan redevelopment area pending
20 the disposition of the property for development or
21 redevelopment without regard to the provisions of Subsection A
22 of this section for any uses and purposes deemed desirable even
23 though not in conformity with the Redevelopment Law."

24 Section 9. Section 3-60A-15 NMSA 1978 (being Laws 1979,
25 Chapter 391, Section 15) is amended to read:

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1 "3-60A-15. EXERCISE OF POWERS IN CARRYING OUT PROJECTS.--

2 A. The local governing body may directly exercise its
3 metropolitan redevelopment project powers or it may, by
4 ordinance if it determines such action to be in the public
5 interest, elect to delegate the exercise of such powers to the
6 metropolitan redevelopment agency created pursuant to the
7 Redevelopment Law. If the local governing body so determines,
8 the agency shall be vested with all of the powers in the same
9 manner as though all the powers were conferred on the agency or
10 authority instead of the municipality.

11 B. As used in this section, the term "redevelopment
12 project powers" includes any rights, powers, functions and
13 duties of a municipality authorized by the Redevelopment Law
14 except the following, which are reserved [~~to~~] for the local
15 governing body to have the power to:

16 (1) declare an area to be a slum [~~or a~~] and
17 blighted area [~~or combination thereof~~] and to designate the
18 area as appropriate for a redevelopment project;

19 (2) approve or amend redevelopment plans;

20 (3) approve a general plan for the municipality
21 as a whole;

22 (4) make findings of necessity prior to
23 preparation of a metropolitan redevelopment plan as provided in
24 the Redevelopment Law and the findings and determinations
25 required prior to approval of a metropolitan redevelopment plan

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- 1 or project as provided in the Redevelopment Law;
- 2 (5) issue general obligation bonds and revenue
- 3 bonds authorized in the Municipal Code;
- 4 (6) approve loans or grants;
- 5 (7) approve leases of more than one year's
- 6 duration;
- 7 (8) issue municipal redevelopment bonds;
- 8 (9) appropriate funds [~~to~~] and levy taxes and
- 9 assessments; and
- 10 (10) exercise the power of eminent domain."

11 Section 10. REPEAL.--Sections 3-46-1 through 3-46-45,
12 3-60-1 through 3-60-37 and 3-60A-6 NMSA 1978 (being Laws 1965,
13 Chapter 300, Section 14-47-1, Laws 1971, Chapter 200, Section
14 2, Laws 1969, Chapter 221, Sections 1 through 20, Laws 1971,
15 Chapter 200, Sections 5 through 7, Laws 1965, Chapter 300,
16 Sections 14-47-3 through 14-47-9, Laws 1969, Chapter 279,
17 Section 1, Laws 1965, Chapter 300, Sections 14-47-10 through
18 14-47-19, Laws 1971, Chapter 200, Section 22, Laws 1975,
19 Chapter 333, Section 2, Laws 1975, Chapter 341, Sections 1
20 through 37 and Laws 1979, Chapter 391, Section 6, as amended)
21 are repealed.